

**City Of Chicago  
Department Of Environment**

**ARTICLE XX. RECYCLING FACILITY PERMITS**

**RULES AND REGULATIONS  
for  
RECYCLING FACILITIES**

Whereas, pursuant to Chapters 2-30 and 11-4 of the Municipal Code of Chicago (the “Code”), the Department of Environment (the “Department”) is charged with enforcement of environmental regulations, including the regulation of recycling facilities, within the City of Chicago; and

Whereas, pursuant to the authority granted by Section 2-30-030 of the Code, the Commissioner of the Department of Environment (the “Commissioner”), is authorized to issue rules and regulations necessary or proper to accomplish the purposes of Chapter 11-4 of the Code, and is further authorized to make reasonable administrative and procedural regulations or rules interpreting or clarifying the requirements which are specifically prescribed in Chapter 11-4 of the Code; and

Whereas, this general rule-making authority includes any rules necessary to implement the provisions of Article XX of the Code, Sections 11-4-2510 through 11-4-2680, the “Recycling Facility Ordinance;” and

Whereas, in addition, Section 11-4-2660 of the Code gives the Commissioner authority to promulgate rules and regulations for the purpose of implementing the provisions of the Recycling Facility Ordinance; now, therefore,

I, Suzanne Malec-McKenna, Commissioner, Department of Environment, City of Chicago, issue the following rules and regulations pursuant to the authority granted to me by Sections 2-30-030 and 11-4-2660 of the Municipal Code of Chicago.

- 1.0 Scope and Purpose.** The purpose of these rules and regulations is to implement the provisions of Article XX, Section 11-4-2510 *et seq.* of the Municipal Code of Chicago (the “Recycling Facility Ordinance”) and provide standards and guidance for the review of permit applications, issuance or denial of permits, and revocation or suspension of permits issued pursuant thereto. These rules and regulations replace the Junk Facility Permits Rules and Regulations and Recycling Facility Permits Rules and Regulations, promulgated on March 16, 2007.

**2.0 Conditions of Permit Issuance.** The Commissioner shall not grant a new permit or renew an existing permit for any recycling facility in the City of Chicago unless the application for such permit meets each of the following conditions:

- (1) The application demonstrates that the facility is designed and located in accordance with the requirements set forth in Section 11-4-2640 of the Code, including, but not limited to, a demonstration that the facility is secure from unauthorized entry, is sufficiently screened from the surrounding area and is adequately lighted after dark;
- (2) The application demonstrates that the facility is sufficiently sized and staffed to handle the requested quantity of material, and that the facility is adequately paved in all material handling areas, driveways and access/haul roads to prevent migration of contaminants or track-out off-site;
- (3) The applicant has certified that it has paid all fees required by the Code and any outstanding debts owed to the City as debts are defined in subsection (a) of Section 4-4-150 of the Code;
- (4) For new permits only, in accordance with Section 11-4-2520 of the Code, the applicant has submitted a letter of approval from the Zoning Administrator indicating that the recycling facility is approved for operation within the zoning district in which the recycling facility is located;
- (5) The applicant has not had a recycling facility permit revoked for cause within the past three years, as set forth in Section 11-4-2525 of the Code;
- (6) The application passes the compliance history evaluation describe in Section 3.0 of these regulations; and
- (7) The application meets all other applicable requirements of the Code.

**3.0 History of Compliance.** Before granting a new permit or renewing an existing permit for any recycling facility, the Commissioner will conduct an evaluation of the prospective permittee's prior experience in recycling or junk facility operations or other waste handling operations. The Commissioner may deny or refuse to renew a permit if the evaluation shows that the applicant, or any owner or officer of the applicant, or any person having control of applicant or any of its operations, has, within the past three years, violated any federal, state, or local laws, regulations, standards, or ordinances in the operation of any junk facility, recycling facility, or any other type of waste or recyclable materials handling facility or site, including, but not limited to, the operation of a junk, recycling, or waste handling facility without required permits.



For purposes of this regulation, violations committed by an entity may be attributed to any person having ownership or control of the entity or any of its operations.

**4.0 Grounds for Permit Revocation or Suspension.** In accordance with Section 11-4-030 of the Code, and the notice and hearing provisions referenced therein, the Commissioner may revoke, suspend, or specially condition a recycling facility permit at any time if the permitted person or entity, any owner or officer of the permitted entity, or any person having control of the permitted entity or any of its operations, has:

- (1) Violated any provision of Chapter 11-4 of the Code relevant to the permit or any regulation promulgated thereunder;
- (2) Violated any term or condition of the Recycling Facility Permit;
- (3) Violated any provision of the Chicago Zoning Ordinance relevant to the permit or any regulation promulgated thereunder; or
- (4) Knowingly submitted a materially false or inaccurate statement in the permit application or any other document submitted to the Commissioner in support of such permit application.

**5.0 Appeal of Permit Denial, Revocation, Suspension, or Special Conditions.**

- (1) Any person who has been denied a permit pursuant to Section 2.0 or Section 3.0 of these Regulations, or whose permit has been specially conditioned pursuant to Section 11-4-030(c) of the Code, may appeal to the Commissioner for a hearing on the denial or special conditions by submitting a written request for a hearing within 15 days of the date of the denial letter or notice of special conditions. The Commissioner, or the Commissioner's designee, shall commence the hearing within 30 days of receiving a hearing request, unless a later date is scheduled upon mutual consent of the parties. Failure to timely request a hearing in accordance with these regulations shall constitute a waiver of the opportunity for a hearing.
- (2) Any person whose permit has been revoked or suspended pursuant to Section 4.0 of these Regulations may appeal the revocation, suspension, by following the procedures set forth in Sections 11-4-025 and 11-4-030 of the Code.

**6.0 Permit Renewals and Modifications.** Any permittee wishing to renew or modify the terms of an existing recycling facility permit shall submit a new permit application prior to the expiration of the existing permit. On the first page of the application, the permittee shall indicate whether the application is for a renewal or a modification. Pending the Department's determination on the renewal or modification application, the permittee may continue to operate under the terms of the existing permit.

**7.0 Established Customer Account.** Pursuant to Section 11-4-2625(a) of the Code, a “retail transaction” does not include the receipt of items from “a regular customer with an established customer account.” For the purposes of this ordinance, in order to set up an “established customer account,” a permittee must comply with the following criteria:

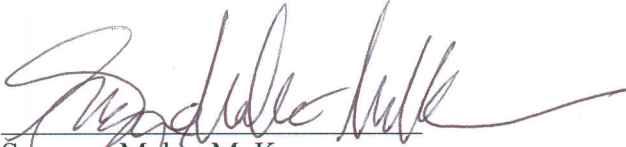
- (1) The permittee must document all transactions conducted with the account holder and must maintain at the facility a log of all transactions;
- (2) The permittee must assign to the account a unique account number or other similar identifier;
- (3) The permittee must maintain a record of the account in a database or other organized system which shall be described in the permit application and shall be kept at the permitted facility; and
- (4) The permittee must include in the account record the following information about the account holder:
  - a. Customer’s Name
  - b. Customer’s Address
  - c. Customer’s Business License or Peddler’s License Number
  - d. Customer’s contact name and telephone number

**8.0 Prohibited and Regulated Materials.**

- (1) Pursuant to Section 11-4-2625(b), the following materials are hereby designated as PROHIBITED MATERIALS:
  - a. Stop signs and other street signs
  - b. Sewer lids, including “manhole covers” and grates
  - c. Fire hydrant parts, including caps and nozzles
  - d. Water meters, and parts of water meters including meter lids
  - e. Gas meters, and parts of gas meters
  - f. Electric meters, and parts of electric meters
  - g. Exterior telephone wire
  - h. Distribution transformers
  - i. Aluminum street lamp posts
  - j. City street lights, including viaduct lights
  - k. Cemetery urns and plaques
  - l. Historical markers and statues
  - m. Beer kegs
- (2) Pursuant to Section 11-4-2625(b), the following materials are hereby designated as REGULATED MATERIALS:
  - a. Metal fencing and gates
  - b. Metal downspouts and gutters
  - c. Metal siding, including siding from homes and garages
  - d. Aluminum kitchen sinks
  - e. Aluminum wire
  - f. Copper wire
  - g. Copper pipes

- h. Metal coils
  - i. Copper/aluminum radiators
  - j. License plates
  - k. Tree grates and flower grates
  - l. Catalytic converters and auto radiators (unless specifically allowed in the recycling facility's permit)
- (3) All records required to be kept pursuant to the Recycling Facility Ordinance and the rules and regulations promulgated thereunder shall be kept and maintained at the Recycling Facility for a minimum of three (3) years from the date the record is created.

I, Suzanne Malec-McKenna, hereby promulgate the foregoing Rules and Regulations for Recycling Facilities on this 30<sup>th</sup> day of July, 2008.



Suzanne Malec-McKenna  
Commissioner of Environment  
City of Chicago